

REMARKS

Claims 1-3, 5 and 6 are pending in the application, with claim 4 having been canceled.

Claim 1 has been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **April 23, 2003**.

Claim Rejections under 35 USC §102

Claims 1-5 are rejected under 35 USC §102(b) as being anticipated by Myers et al.

In the preamble of independent claim 1, there is a specific recitation that the power supply switch is used in a motor “vehicle”. In the body of the same claim, there is also a specific recitation of a number of elements being provided in the base body side and the moveable body side of the “vehicle”. Since the body of the claim has made a specific reference of “vehicle” first appeared in the preamble, this breathes purpose and meaning to the preamble. Therefore, to find the claimed invention either being anticipated or rendered obvious, the Office should find prior art references that would either disclose or teach a motor “vehicle”.

Independent claim 1 has been amended to make clear that the motor vehicle mirrors the motor vehicle language in the preamble, and to remove a few antecedent basis problems.

In the asserted prior art Meyers, there is neither disclosure nor teaching of motor or vehicle. Therefore, the claimed invention is not anticipated by Meyers.

It is well settled that:

“A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference.” *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).”

Even though claim 1 is not rendered obvious by the asserted prior art references, in the interest of advancing the prosecution of this application, the subject matter of claim 4 is incorporated into claim 1. This feature is different from Mayor who discloses that the insulating tip 5 of the pin 3 protrudes little from the pin seal carrier 6 (Fig. 1.). That is, the tip of the pin is differently configured from the present invention.

Should the Office continue to believe that independent claim 1, as amended, is still anticipated by the asserted prior art, a citation of where each and every claimed feature, including a motor vehicle, either as column number and line number, or figure number and reference numeral, or a combination thereof, as disclosed in the asserted prior art is respectfully requested. Should the Office determine that any claimed feature is not disclosed in the asserted prior art, it is respectfully submitted that the claimed invention is not anticipated by the asserted prior art. Allowance of the claimed invention is then respectfully requested.

Claim Rejections under 35 USC §103

Claims 1 and 2 are rejected under 35 USC §103(a) as being unpatentable over Sakuraoka et al.

In the preamble of independent claim 1, there is a specific recitation that the power supply switch is used in a motor “vehicle”. In the body of the same claim, there is also a specific recitation of a number of elements being provided in the base body side and the moveable body side of the “vehicle”. Since the body of the claim has made a specific reference of “vehicle” first appeared in the preamble, this breathes purpose and meaning to the preamble. Therefore, to find the claimed invention either being anticipated or rendered obvious, the Office should find prior art references that would either disclose or teach a motor “vehicle”.

Independent claim 1 has been amended to make clear that the motor vehicle mirrors the motor vehicle language in the preamble, and to remove a few antecedent problems.

In the asserted prior art Sakuraoka and Myer, there is neither disclosure nor teaching of motor or vehicle. Therefore, the claimed invention is not rendered obvious by Sakuraoka and Myer. Given such shortcomings, even if the applied prior art references are combined exactly as suggested in the Office action, the claimed invention would not result.

Even though claim 1 is not rendered obvious by the asserted prior art references, in the interest of advancing the prosecution of this application, the subject matter of claim 4 is incorporated into claim 1. This feature is different from Mayor who discloses that the insulating tip 5 of the pin 3 protrudes little from the pin seal carrier 6 (Fig. 1.). That is, the tip of the pin is differently configured from the present invention.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 6 is rejected under 35 USC §103(a) as being unpatentable over Myers et al. in view of the admitted prior art.

In rejecting the claimed invention, the outstanding Office action has specifically stated that "Myer et al disclose all of the limitations except for a resilient member at the end of the tab terminal." The Applicant agrees with the Office assessed shortcoming that Myer fails to disclose a resilient member at the end of the tab terminal. However, the Applicant respectfully disagrees that Myer discloses all other limitations. As mentioned above, Myer fails to disclose any motor vehicle, which feature is positively cited in the claim language. In

As to the admitted prior art, it should be noted that on page 4, from line 5 to line 17 of the written specification, it is explained that the extended tab terminal 55 of the prior-art power supply switch may disadvantageously receive an unintentional force which will undesirably bend the tab terminal, because the switch is used in a slide door or a back door which is often opened and closed for access to the inside of the vehicle. Furthermore, the tab terminal 55 is long in length and narrow in width so that the electrical connection thereof may be prevented due to an incorrect alignment with the associated receptacle terminal. A heavy tab terminal having a shorter length improves its strength but requires a larger space with a larger connector housing. Moreover, when a door mounted with the switch is opened, the exposed forward end of the tab terminal 55 may undesirably catch water drips or dust to cause an incorrect electrical connection or an unintentional short circuit.

Should Myer be combined with the admitted prior art, the combination would inherently have the problems of incorrect electrical connections and unintentional short circuits. Section 2143 of the MPEP has specifically stated that:

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claimed limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 466, 20 USPQ2d 1438 (Fed. Cir. 1991).”

Therefore, it is both a court position and a Patent Office position that to establish a *prima facie* case of obviousness, 1) there **must be** some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; 2) there **must be** a reasonable expectation of success; and 3) the teaching or suggestion to make the claimed combination and the reasonable expectation of success **must both be** found in the prior art, and not based on applicant’s disclosure.

Given the problems of incorrect electrical connections and unintentional short circuits clearly discussed in the admitted prior art, the combination would inherently contain these problems thus there would not be any reasonable expectation of success. Therefore, a *prima facie* case of obviousness is not established by the combination rejection.

Conclusion

In view of the aforementioned amendments and accompanying remarks, all pending claims are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,
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